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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 09/17/2010

Harding, Earley, Follmer & Frailey
86 The Commons at Valley Forge East
1288 Valley Forge Road
PO Box 750
Valley Forge, PA 19482-0750

EXAMINER

BECKER, DREW E

ART UNIT

PAPER NUMBER

1782

DATE MAILED: 09/17/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,539

02/20/2004

Marie D. Radatti

E-2624

7445

TITLE OF INVENTION: APPARATUS, METHODS AND ARTICLES OF MANUFACTURE FOR HIGH CONDUCTIVITY COOKING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$0	\$0	\$755	12/17/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590 09/17/2010

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PO Box 750
Valley Forge, PA 19482-0750

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,539	02/20/2004	Marie D. Radatti	E-2624	7445
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TITLE OF INVENTION: APPARATUS, METHODS AND ARTICLES OF MANUFACTURE FOR HIGH CONDUCTIVITY COOKING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$0	\$0	\$755	12/17/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
BECKER, DREW E	1782	426-505000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 344 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 344 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/783,539

Applicant(s)

RADATTI ET AL.

Examiner

Art Unit

Drew E. Becker

1782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8/24/10.
2. ☒ The allowed claim(s) is/are 16-19,21-31,34-37,40 and 41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frank J. Bonini Jr. on 9/15/10.

The application has been amended as follows:

Claim 16, line 25 after "in said second environment" insert --thereby preventing direct contact between said food and said cooking media--.

Claim 26, line 15 after "said liquid cooking media" insert --wherein said food does not contact said liquid cooking media--.

Claim 29, line 16 after "said linked shells" insert -- wherein said food does not contact a liquid cooking media within the frying apparatus--.

Claim 31, line 13 after "said frying apparatus" insert --wherein said food does not contact said liquid cooking media --.

Claim 36, line 29 after "said second environment" insert --thereby preventing direct contact between said food and said cooking media--.

Claim 41, line 18 after "said liquid cooking media" insert --wherein said food does not contact said cooking media--.

Cancel non-elected claims 7-11, 15, 32-33.

Allowable Subject Matter

2. Claims 16-19, 21-31, 34-37, and 40-41 are allowed.

3. The following is an examiner's statement of reasons for allowance: the method of cooking of independent claim 16 defines over the prior art of record because the prior art does not teach, suggest, nor render obvious providing a shell including a first plate having a groove therein and at least one edge and a second plate having a groove therein and at least one edge, said first plate and said second plate being hingeably connected along an edge thereof, the shell forming at least one first configuration wherein food to be cooked may be placed therein and forming a second configuration wherein said first plate and said second plate are brought together to enclose said food to be cooked; configuring the shell in a first configuration; placing food to be cooked within the shell; placing said shell in a second configuration by bringing together said first plate and said second plate to form an enclosure comprising a first environment which is a food containing environment, the first environment which is a food containing environment being formed in part by the groove of said first plate and in part by the groove of said second plate, the step of placing said shell in a second configuration including bringing together said first plate and said second plate so that the first plate groove and the second plate groove define a space within which the food placed in said shell may be cooked; placing said shell containing the food desired to be cooked in a frying apparatus, said frying apparatus comprising a second environment, said second environment containing liquid cooking media, wherein placing said shell in said

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frying apparatus comprises placing said shell on a transport rack and transporting said shell through said liquid cooking media; maintaining said shell in said frying apparatus for a sufficient period of time to cook said food and maintaining the food to be cooked in said first environment and maintaining said cooking media in said second environment thereby preventing direct contact between said food and said cooking media; removing the cooked food from the shell, wherein the cooked food resembles the shape of the shell in which it was placed relative to the second configuration of the shell wherein removing said cooked food from said shell includes lifting one of said first shell plate and from said second shell plate relative to the other.

the method of cooking of independent claim 26 defines over the prior art of record because the prior art does not teach, suggest, nor render obvious providing a shell including a first plate with at least one edge and a second plate with at least one edge, said first plate and said second plate being hingeably connected along an edge thereof, the shell forming at least one first configuration wherein food to be cooked may be placed therein and forming a second configuration wherein said first plate and said second plate are configured so they may be swingably brought together to enclose said food to be cooked and form the second configuration; configuring the shell in a first configuration; placing food to be cooked within the shell; placing said shell in a second configuration by bringing together said first plate and said second plate; immersing said shell in a frying apparatus containing liquid cooking media, wherein immersing said shell in said frying apparatus comprises placing said shell on a transport rack and transporting said shell through said liquid cooking media wherein said food does not

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contact said liquid cooking media; removing the cooked food from the shell, wherein the cooked food resembles the shape of the shell in which it was placed relative to the second configuration of the shell, wherein removing said cooked food from said shell includes lifting one of said first shell plate and groin said second shell plate relative to the other, wherein said first shell plate and said second shell plate remain connected to one another during said lifting.

the method of cooking of independent claim 29 defines over the prior art of record because the prior art does not teach, suggest, nor render obvious providing at least two shells, each shell including a first plate with at least one edge and a second plate with at least one edge, said first plate and said second plate being hingeably connected along an edge thereof, the shell forming at least one first configuration wherein food to be cooked may be placed therein and forming a second configuration wherein said first plate and said second plate are brought together to enclose said food to be cooked; configuring the shells in a first configuration; placing food to be cooked within the shells; placing each of said shells in a second configuration by bringing together said first and said second plate; the method including linking the shells together with a flexible linking mechanism; immersing the linked shells that contain the food to be cooked in a frying apparatus and cooking said food contained within said linked shells wherein said food does not contact a liquid cooking media within the frying apparatus; removing the cooked food from the shells shell, wherein the cooked food resembles the second shell configuration of the shell from which it was removed, wherein removing said cooked food from a said shell includes lifting one of said first shell plate and from

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said second shell plate relative to the other, wherein said first shell plate and said second shell plate remain connected to one another during said lifting.

the method of cooking of independent claim 31 defines over the prior art of record because the prior art does not teach, suggest, nor render obvious providing a shell including a first plate with at least one edge and second plate with at least one edge, said first plate and said second plate being hingeably connected along an edge thereof, the shell having at least one groove therein forming at least one first configuration wherein dough may be placed therein and forming a second configuration wherein said first plate and said second plate are brought together to enclose said dough; extruding dough from an apparatus to a groove of said shell; placing said shell within a frying apparatus containing a liquid cooking media, wherein placing said shell within said frying apparatus comprises placing said shell on a transport rack and transporting said shell through said liquid cooking media; cooking said dough within said frying apparatus wherein said food does not contact said liquid cooking media; removing the shell from the frying apparatus; removing the cooked food from the shell that resembles the shell second configuration of said shell into which said dough was extruded, wherein removing said cooked food from said shell includes lifting one of said first shell plate and from said second shell plate relative to the other, wherein said first shell plate and said second shell plate remain connected to one another during said lifting.

the method of cooking of independent claim 36 defines over the prior art of record because the prior art does not teach, suggest, nor render obvious providing a

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shell including (i) a first plate with at least one outer edge and at least one inner edge, and having at least one groove therein, and (ii) a second plate with at least one outer edge and at least one inner edge, and having at least one groove therein, said first plate and said second plate being hingeably connected along an outer edge thereof, the shell forming at least one first configuration wherein said first plate is separated from said second plate a distance sufficient to expose said first plate groove wherein food to be cooked may be placed, and forming a second configuration wherein said first plate and said second plate are brought together to enclose said food to be cooked so that said first plate outer edge engages with said second plate outer edge and said first plate inner edge engages with said second plate inner edge; configuring the shell in a first configuration that provides access to at least one of said first plate groove and said second plate groove; placing food to be cooked within the shell comprising placing said food within one of said first plate groove and said second plate groove; placing said shell in a second configuration by bringing together said first plate and said second plate to form an enclosure comprising a first environment which is a food containing environment; placing said shell containing the food desired to be cooked in a frying apparatus said frying apparatus comprising a second environment, said second environment containing a liquid cooking media, wherein placing said shell within said frying apparatus comprises placing said shell on a transport rack and transporting said shell through said liquid cooking media; maintaining said shell in said frying apparatus for a sufficient period of time to cook said food and maintaining the food to be cooked in said first environment and maintaining said liquid cooking media in said

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second environment thereby preventing direct contact between said food and said cooking media; removing the cooked food from the shell, wherein said cooked food resembles the configuration of the grooves of said first and second plates; wherein removing said cooked food from said shell includes lifting said first shell plate from said second shell plate, wherein said first shell plate and said second shell plate remain connected to one another during said lifting.

the method of cooking of independent claim 41 defines over the prior art of record because the prior art does not teach, suggest, nor render obvious providing at least two shells, each shell including a first plate with at least one edge and a second plate with at least one edge, said first plate and said second plate being hingeably connected along an edge thereof, the shell forming at least one first configuration wherein food to be cooked may be placed therein and forming a second configuration wherein said first plate and said second plate are brought together to enclose said food to be cooked; configuring the shells in a first configuration; placing food to be cooked within the shells; placing each of said shells in a second configuration by bringing together said first and said second plate; the method including linking the shells together with a flexible linking mechanism; immersing the linked shells that contain the food to be cooked in a frying apparatus and cooking said food contained within said linked shells, wherein immersing said shells in said frying apparatus comprises placing said shells on a transport rack and transporting said shells through said liquid cooking media wherein said food does not contact said cooking media; removing the cooked

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food from the shells, wherein the cooked food resembles the second shell configuration of the shell from which it was removed, wherein removing said cooked food from a said shell includes lifting one of said first shell plate and said second shell plate relative to the other.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E. Becker whose telephone number is 571-272-1396. The examiner can normally be reached on Mon.-Fri. 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Drew E Becker/
Primary Examiner, Art Unit 1782